

Notice of Allowability

Application No.

09/466,568

Examiner

Terry A. McKelvey

Applicant(s)

CRABTREE ET AL.

Art Unit

1636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the reply filed 10/7/04.
2. ☒ The allowed claim(s) is/are 14,18,22,23,49-55,57-59,61,63-66,68 and 69.
3. ☒ The drawings filed on 17 December 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/31/03 (page 1 on y)
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Art Unit: 1636

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Melissa Rones on 2/16/05.

The application has been amended as follows:

In the specification:

At page 1, before the heading "Technical Field", please replace the previous paragraph (added by amendment to the specification filed 4/29/03) with the following full paragraph:

Related Applications

This application is a continuation of and claims priority to U.S. Application Serial No. 09/157,753, filed September 16, 1998, U.S. Pat. No. 6,043,082, which application is a

Art Unit: 1636

continuation of U.S. Application Serial No. 08/388,653, filed February 14, 1995, U.S. Pat. No. 5,869,337 which is a continuation-in-part of U.S. Application Serial No. 08/196,043, filed February 11, 1994, abandoned, which in turn is a continuation-in-part of U.S. Application Serial No. 08/179,748, filed January 7, 1994, abandoned, which in turn is a continuation-in-part of U.S. Application Serial No. 08/092,977, filed July 16, 1993, abandoned, which application is a continuation-in-part of U.S. Application Serial No. 08/017,931, filed February 12, 1993, abandoned, and is a continuation-in-part of U.S. Application Serial No. 08/292,597, filed August 18, 1994, U.S. Pat. No. 5,834,266 which in turn is a continuation-in-part of U.S. Application Serial No. 08/179,143, filed January 7, 1994, abandoned, which in turn is a continuation-in-part of U.S. Application Serial No. 08/093,499, filed ~~Jul-~~ July 16, 1993 abandoned. The contents of each of these applications is hereby incorporated by reference into the present disclosure.

In the claims:

14. (Currently amended) The composition of claim 22, wherein each of said constructs is provided in a vector including a selectable marker permitting transfection of the

Art Unit: 1636

~~construct~~ vector into host cells and selection of transfectants containing the ~~construct~~ vector.

22. (Currently amended) A nucleic acid composition comprising at least two genetic constructs, each encoding a chimeric protein,

(a) a first construct encoding a first chimeric protein comprising at least one ligand-binding domain and a transcriptional activation domain which is heterologous thereto, and,

(b) a second construct encoding a second chimeric protein comprising at least one ligand-binding domain which may be the same or different from a ligand binding domain of the first chimeric protein, and a DNA binding domain which is heterologous thereto,

wherein the first and second of said chimeric proteins together (i) bind to a ligand to form a ligand cross-linked protein complex, and (ii) in a ligand dependent manner, activate transcription of a gene having a transcriptional regulatory element to which the DNA binding domain binds, and wherein the ligand-binding domain of at least one of the chimeric proteins is an FKBP domain.

Art Unit: 1636

64. (Currently amended) A eukaryotic cell containing and capable of expressing ~~at least one~~ the nucleic acid ~~construct~~ composition of claim 22, 23, or 49.

Conclusion

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.


Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

Art Unit: 1636

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Any inquiry concerning rejections or objections in this communication or earlier communications from the examiner should be directed to Terry A. McKelvey whose telephone number is (571) 272-0775. The examiner can normally be reached on Monday through Friday, except for Wednesdays, from about 7:30 AM to about 6:00 PM. A phone message left at this number will be responded to as soon as possible (i.e., shortly after the examiner returns to his office).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Remy Yucel can be reached at (571) 272-0781.


Terry A. McKelvey, Ph.D.
Primary Examiner
Art Unit 1636

February 17, 2005